

SCHINDLER COHEN & HOCHMAN LLP



100 Wall Street  
15th Floor  
New York, N.Y. 10005  
Tel (212) 277-6300  
Fax (212) 277-6333

August 29, 2007

**BY FAX**

United States District Judge Jones  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 620  
New York, New York 10007-1312

**Re: Jeffrey O. Swope v. Fiduciary Asset Management, L.L.C., 07-CV-6921 (BSJ)**

Dear Judge Jones:

Along with the Lowenbaum Partnership, we represent defendant Fiduciary Asset Management, L.L.C., ("FAMCO") in the above-referenced action. Yesterday, I faxed this Court a request for a brief extension of time to file reply papers in support of our motion to dismiss this action pursuant to Rules 12(b)(2) and 12(b)(3) of the Federal Rules of Civil Procedure and 28 U.S.C. § 1404. FAMCO's reply is currently due tomorrow, August 30, 2007 and we requested an 11-day extension until Monday, September 10, 2007.

At the time we sent our letter we had not been able to get in touch with Todd Higgins, counsel for plaintiff Swope, in order to obtain his consent. Mr. Higgins just faxed a letter to Your Honor, copied to us, stating that he consents to a short extension. Accordingly, we respectfully request that Your Honor permit us to file our reply papers on September 10, 2007.

Mr. Higgins also uses his letter as an opportunity to argue the merits of our motion and to question the rationale behind our request. Because Mr. Higgins has consented to the request, we think it is unnecessary for us to respond to his assertions at this time, other than to say that we disagree with them. Should Your Honor require a further response, we will gladly provide one.

Thank you for your consideration of this request. Please do not hesitate to contact me with any questions.

Respectfully,

A handwritten signature of Matthew A. Katz.

Matthew A. Katz

cc: Todd Higgins, Esq. (by fax)

SO ORDERED

Dated: 8/30/07

A handwritten signature of Barbara S. Jones.

BARBARA S. JONES  
U.S.D.J.

Part I

LAURA TAYLOR SWAIN U.S.D.J.

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Application GRANTED.